

REMARKS

By this amendment, claims 1-8, 10-14, and 16-33 are pending, in which claims 34 and 35 are canceled without prejudice or disclaimer, and claims 1, 10, 16, 19, 27 and 31 are currently amended. Claims 9 and 15 were previously canceled. No new matter is introduced. The amended claims incorporate features of existing dependent claims, and thus, are not believed to raise new issues requiring further consideration and/or search, and it is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

The final Office Action mailed July 14, 2005 rejected claims 1-8, 10-14 and 16-35 as obvious under 35 U.S.C. § 103 based on *Longo et al.* (US 5,912,956) in view of *Small* (US 5,513,117).

To expedite prosecution, Applicants have amended independent claims 1, 10, 16, 19, 27, and 31. As amended, independent claims 1, 10 and 16 recite “wherein said pre-paid telephone calling card processing system plays, without input by a user to request the playback, said personal greeting upon use of the pre-paid telephone calling card by the user, and **maintains status of whether said personal greeting has been played.**” Independent claim 19 recites “the pre-paid telephone calling card processing system being further configured to **maintain status of whether said personal greeting has been played.**” Claims 27 and 31 now recite “**maintaining status of whether said personal greeting has been played.**”

For a supposed teaching of the above feature, the Examiner, on page 8 of the Office Action, relies on *Longo et al.*, citing col. 6: 26-33. This cited passage states the following (*Emphasis Added*):

With regard to the billing system 28, the computer-executable program is programmed to **monitor and store a total time expended value from the stored time expended values.** Accordingly, a subscriber can be billed on a periodic basis for all telephone calls made by holders of the identification tags 30 associated

with that subscriber. The **talk time of calls** made by a subscriber with the master control card 32 **can also be added to the total time expended value if desired.**

At best, the above passage merely discloses that a total time expended value is maintained, and that this value can include talk time of the calls. This value bears no relationship to maintaining “**status of whether said personal greeting has been played,**” as positively recited in the claims. This rationale is inconsistent with the Examiner’s own interpretation of what a “personal greeting” is in the context of the *Longo et al.* system. The Examiner, on page 3, interprets the “personal greeting” to be a recorded message from the tag owner (see FIG. 7, and cited passage col. 5: 49-66) the *Longo et al.* system. The total time expended value does not relate to the recorded message from the tag owner, and therefore, no status can be maintained with respect to this recorded message.

Therefore, a *prima facie* of obviousness thus has not been established. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Here, the Examiner simply ignores the claimed feature of “**maintaining status of whether said personal greeting has been played,**” and attempts to rely on an unreasonably interpretation of the claims and the reference.

The addition of *Small* does not cure the deficiencies of *Longo et al.* The secondary reference of *Small* is applied for a supposed teaching of “pre-paid telephone calling card system plays, without input by a user to request the playback.” (Office Action, page 3).

Even assuming the references were properly combined based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combination

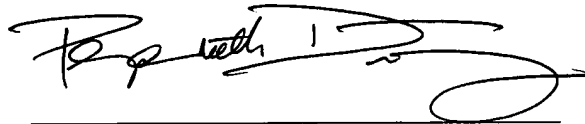
does not render the claimed invention obvious. Specifically, none the references taken alone, or in combination, teaches or suggests **“maintaining status of whether said personal greeting has been played.”**

Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection, and the indication that independent claims 1, 10, 16, 19, 27 and 31 are allowable. Dependent claims 2-8, 11-14, 17-18, 20-26, 28-30 and 32-33 are also allowable at least the reasons put forth for allowability of their corresponding independent claims 1, 10, 16, 19, 27 and 31. Additionally, they are separately patentable on their own merits.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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